

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LOUIS G. ORSATTI, DDS, P.C.,	§	REMOVED FROM CAUSE NO.
	§	2020CI11203
	§	407 <sup>TH</sup> JUDICIAL DISTRICT
	§	BEXAR COUNTY
<i>Plaintiff,</i>	§	
	§	
VS.	§	Civil Action No. 5:20-CV-00840-FB
	§	
ALLSTATE INSURANCE COMPANY	§	
and BLESSING SEFOFO WON YAKU	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF'S OPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION TO REMAND**

Plaintiff, Louis G. Orsatti, DDS, P.C., respectfully submits his Motion for Leave to file Supplemental Authority in support of his Opposed Motion to Remand [ECF Doc. 3].

1. On September 8, 2020, the Honorable Xavier Rodriguez in Western District of Texas San Antonio Division granted Plaintiffs' Motion to Remand on substantially similar claims against its insurer and its adjuster brought by restaurants seeking to recover for losses incurred as the result of the COVID-19 pandemic and government stay-at-home orders issued in response to the COVID-19 pandemic. *See Jada Restaurant Group, LLC., et. al. v. Acadia Insurance Company and Christopher Michels*, Case No. 20-cv-807-XR, Doc. 15. *See* attached Exhibit A.


2. The Court held that Chapter 542A of the Texas Insurance Code is not applicable to Covid-19 business interruption claims because Covid-19 is not a force of nature. *Id.* at pp. 5-6. The Court further held that the plaintiffs adequately pled a cause of action against the insurance

adjuster – allegations similar to the ones alleged in this case against Defendant Wonyaku. *Id.* at pp. 6-8.

3. Plaintiff respectfully requests that the Court grant his Motion for Leave and allow this supplemental authority to be considered for his Motion to Remand.

Respectfully submitted,

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BY:   
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SHANNON E. LOYD  
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ATTORNEY FOR PLAINTIFF

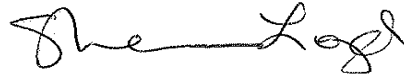
**CERTIFICATE OF CONFERENCE**

Plaintiff's counsel attempted to confer with counsel for Defendant Allstate regarding the subject of this Motion, and as of this filing, Allstate's attorney has not responded. Therefore, Plaintiff assumes the Motion is opposed.

  
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SHANNON E. LOYD

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of September, 2020, I filed a true and correct copy of the above and foregoing instrument on the Court's CM/ECF system, which served notice on all counsel of record.

A handwritten signature in black ink, appearing to read "Shannon E. Loyd", written in a cursive style.

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SHANNON E. LOYD